

all laws and parts of laws in conflict therewith."

Senator Tillett called up his motion to reconsider the vote by which the amendments to section 1 were adopted. Reconsidered.

By Senator Tillett:

Amend by striking out all after the word "citation," in line 15, page 1, down to and including the word "citation," line 28, page 1, and insert in lieu of the word "shall," line 28, page 1, the word "may."

Adopted.

By Senator Tillett:

Amend the caption so as to read as follows: "An act prescribing the manner in which citations may be served and returned, and certified copies prepared, served and returned, and providing the fees therefor."

Adopted.

(Senator Stafford in the chair.)

By Senator Tillett:

Amend by changing the numbers of the sections so as to make "section 3" read "section 2," "section 4" read section 3," and so on through the entire number of sections, so as to make the numbers consecutive.

Adopted.

The bill was ordered engrossed.

The following committee reports were made:

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Public Lands, to whom was referred

Senate bill No. 375, a bill to be entitled "An act to provide for the sale and lease of the lands belonging to the several funds of the several public institutions of the State, and to classify said lands,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOSS, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. —, to repeal section 16, article 16, of the Constitution of the State of Texas,

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 17, a resolution to amend section 15 of article 5 of the Constitution of the State of Texas, relating to the qualifications, powers, and jurisdiction of county judges,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

On motion of Senator Lewis, the Senate adjourned to 10 a. m. to-morrow.

EIGHTY-SEVENTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, May 4.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.
Linn of Victoria.	

Absent.

Boren.	Linn of Wharton.
Dibrell.	Neal.
Goss.	Stone.
Gough.	Yantis.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: With gratitude and thanksgiving we acknowledge Thy good providence, Thy love and mercy toward the children of men. We thank Thee for the hum of progress seen and felt everywhere. We bless Thee for the divine energy that quickens all nature and out of which

spring the many developments that uplift and sustain man, and lighten his burdens. We thank Thee that there are no conditions of life, however fallen, degraded and sinful, but what can be reached by the Christ-life, who while on earth touched all classes of suffering, sinful humanity and healed and saved. May this life be our ideal. Give us the same attributes of character that in our small sphere of life we may be known as men of love, honor, truth, long-suffering and full of compassion. Forgive our sins, direct our thoughts and control our actions. We ask in the name of Christ. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Rogers:

Memorial and protest of Galveston taxpayers against proposed charter amendments.

Read and referred to the Committee on Towns and City Corporations.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

House bill No. 442, a bill to be entitled "An act to amend article 4908 of the Revised Civil Statutes of Texas, providing that constables in towns and cities of 2500 inhabitants may appoint one deputy."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate joint resolution No. 19, granting leave of absence from the State to the Hon. T. H. Connor, judge of the Forty-second judicial district, for a period of sixty days,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and that it be not printed.

GOSS, Acting Chairman.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 667, a bill to be entitled "An act to render more effective and efficient the present road law of the State of Texas in its application and operation in the counties of Galveston, Harris, Brazoria, Wharton, Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within the said respective counties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WAYLAND, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 122, entitled "An act to amend article 1205, title 30, chapter 5, of the Revised Civil Statutes of Texas, relating to parties to suits,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 80, entitled "An act prescribing the manner in which citations may be served and returned, and certified copies prepared, served and returned, and providing the fees therefor,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 163, entitled "An act to amend articles 3984, 3985 and 4028, of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act, and

repealing articles 3986, 3987 and 3989 and all laws in conflict with this act,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 368, entitled "An act to repeal article 952, chapter 18, title 17, of the Penal Code of the State of Texas, relating to theft, robbery, embezzlement in a foreign State or country, and bringing the same into this State,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 348, entitled "An act to amend article 1331, chapter 13, title 30, of the Revised Statutes of Texas of 1895, relating to special verdicts,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 41, a bill to be entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 367, entitled "An act to compel the commissioners courts of the several counties of the State of

Texas to advertise for bids upon all contracts made by said court when the contract price shall be equal to or exceed \$500, and to prescribe the manner and mode of such advertisement,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 341, a bill to be entitled "An act to create a more efficient road system for Milam county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts on public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner and training and maintaining hedges along all public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict herewith."

And find the same correctly enrolled, and have this day, at 10:55 a. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 345, entitled "An act to further amend section 2 of an act entitled 'An act to reorganize the Fifteenth judicial district and the Fortieth judicial district, and to amend chapter 67, section 15, of the General Laws of Texas,' approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2 of chapter 58, of the General Laws of Texas, approved

March 27th, 1885, creating the Fortieth judicial district, and to repeal all laws in conflict with this act, approved March 21, 1893, as amended by an act entitled an act to amend section 2 of an act to be entitled an act to reorganize the Fifteenth judicial district and the Fortieth judicial district, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter 58, of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to repeal all laws in conflict with this act, passed at the present session of the Legislature, and to further regulate and fix the times of holding courts in the Fortieth judicial district, and to repeal all laws in conflict herewith."

And find the same correctly enrolled, and have this day, at 10:55 a. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 263, a bill to be entitled "An act to lease to H. P. N. Gammel of Austin, Travis county, Texas, the stereotyped plates of volumes 72 to 86, inclusive, of the Texas Reports, being reports of the decisions of the Supreme Court of Texas."

And find the same correctly enrolled, and I have this day, at 5 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, May 3, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 216, a bill to be entitled "An act to amend article 745, of the Revised Civil Statutes of the State of Texas, requiring foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon said corporations transacting business in this State, and authorizing the Secretary of State to issue permits to such corporations,"

And find the same correctly enrolled,

and I have this day, at 5 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Harrison:

Whereas, the Woman's Christian Temperance Union of Texas is now assembled in its annual session in the Capitol City; therefore be it

Resolved, that the Senate of the Twenty-fifth Legislature hereby extend to said union an invitation to visit its sittings and witness the process of law-making.

On motion of Senator Harrison, the resolution as read was adopted.

By Senator Tillett:

Senate joint resolution No. 19, granting leave of absence from the State to the Hon. T. H. Connor, judge of the Forty-second judicial district, for a period of sixty days.

Read first time and referred to the Committee on Judicial Districts.

By Senator Greer:

Senate bill No. 376, a bill to be entitled "An act to extend for the period of two years, from the 1st day of March, 1897, the time in which certain purchasers of timber on school lands in this State may remove the timber from said lands."

Read first time and referred to the Committee on Public Lands.

Call concluded.

The Chair gave notice of signing and did sign in the presence of the Senate, after their captions had been read.

Senate bill No. 345, a bill to be entitled "An act to further amend section 2, of an act entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, of chapter 58, of the General Laws of Texas, approved March 27, 1885, creating the Fortieth District, and to repeal all laws in conflict with this act, approved March 21, 1893, as amended by an act entitled 'An act to amend section 2, of an act to be entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter

58, of the General Laws of Texas, approved March 27, 1885, creating the Fortieth Judicial District, and to repeal all laws in conflict with this act,' passed at the present session of the Legislature, and to further regulate and fix the times of holding courts in the Fortieth Judicial District, and to repeal all laws in conflict herewith."

And,

Senate bill No. 341, a bill to be entitled "An act to create a more efficient road system for Milam county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts on public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner and training and maintaining hedges along all public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict herewith."

HOUSE MESSAGES.

The following House messages were received:

Hall House of Representatives,
Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House refuses to concur in the Senate amendments to House bill No. 539 (the general deficiency bill), and asks for a free conference committee, with the following appointed on the part of the House: Messrs. Freeman, Maxwell, Fields, Logan and Thomas.

Also, that the House has adopted the report of the free conference committee on

House bill No. 180, a bill to be entitled "An act to amend article 5043 of the Revised Statutes of 1895, so as to exempt Maverick county from the provisions of title CII, chapter 6, relating to the inspection of hides and animals."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

43—Senate.

Hall House of Representatives,
Austin, Texas, May 3, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 673, entitled "An act to authorize the Houston and Texas Central Railroad Company to purchase and operate the railway extending from near Bremond to Ross and from Ross to Albany, and to regulate reports of such properties."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The above reported House bill was read first time, and referred to the Committee on Internal Improvements.

On motion of Senator Bowser, the regular order of business was suspended to take up, on its second reading,

Senate joint resolution No. 11, to create a commission to investigate and report to the next session of the Legislature such measure or measures as may be deemed appropriate to correct the evils growing out of the violations of section 6, article XII, of the Constitution of the State, by private corporations, and to provide for the compensation of the commissioners, etc.

Resolution read second time.

(Senator Lewis in the chair.)

By Senator Linn of Victoria:

Amend lines 20 and 21, page 1, by striking out the words "learned in the law."

Adopted.

By Senator Linn of Victoria:

Amend page 2, section 2, by striking out in line 10 all after the words "three persons" down to and including the words "Supreme Court of the State" in line 12 of said section.

Adopted.

By Senator Burns:

Amend by striking out line 19, on page 1.

Adopted by the following vote:

Yeas—13.

Atlee.
Burns.
Colquitt.
Darwin.
Greer.
Harrison.
Lewis.

Linn of Victoria.
Morriss.
Rogers.
Ross.
Terrell.
Turney.

Nays—9.

Bailey.
Bowser.

Goss.
Gough.

Presler.
Tillett.
Wayland.

Woods.
Yett.

Absent.

Beall.
Boren.
Dibrell.
Kerr.
Linn of Wharton.

Neal.
Stafford.
Stone.
Yantis.

On motion of Senator Colquitt, the regular order of business was suspended to take up on its second reading,

Senate bill No. 360, a bill to be entitled an act to amend article 170, title 9, chapter 2, of the Revised Civil Statutes of 1895, relating to the compensation of Superintendent of the State Orphan Asylum."

Bill read second time, and ordered engrossed.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Presler.
Bailey.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.
Morriss.	

Nays—none.

Absent.

Beall.	Kerr.
Boren.	Linn of Wharton.
Bowser.	Neal.
Dibrell.	Stone.
Gough.	Yantis.

Bill read third time, and passed by the following vote:

Yeas—20.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Lewis.	Yett.

Nays—2.

Gough.	Terrell.
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Absent.

Beall.
Boren.
Dibrell.
Kerr.
Linn of Wharton.

Neal.
Stafford.
Stone.
Yantis.

On motion of Senator Woods, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 34, a bill to be entitled "An act to repeal title 82 of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act, to license physicians and surgeons and to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas,"

Action being on the following amendment offered by Senator Ross (Journal of March 19):

Amend by striking out all of article 8.

Lost.

By Senator Harrison:

Amend by striking out "and" in line 26 and insert after "State" and before "provided" (as amended), the words "and physio-medical association."

Senator Burns raised the point of order that the amendment was not in order, for the reason that a similar amendment had previously been lost.

Not sustained.

The amendment was lost.

By Senator Harrison:

Amend by striking out the word "regular" in line 17, page 1, and insert in lieu thereof the word "allopathic."

Lost by the following vote:

Yeas—6.

Bowser.	Harrison.
Darwin.	Kerr.
Goss.	Linn of Victoria.

Nays—15.

Atlee.	Ross.
Bailey.	Stafford.
Colquitt.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Lewis.	Woods.
Presler.	Yett.
Rogers.	

Present, not voting.

Burns.

Absent.

Beall.	Neal.
Boren.	Stone.
Dibrell.	Turney.
Linn of Wharton.	Yantis.
Morriss.	

By Senator Darwin:

Amend page 3 by striking out all of line 14 after the word "character" down to and including the word "years" in line 17.

Senator Colquitt moved the previous question on the bill and pending amendment, which was duly seconded and ordered.

The amendment (Darwin's) was lost.

Bill as amended ordered engrossed by the following vote:

Yeas—15.

Atlee.	Presler.
Bailey.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Tillett.
Gough.	Wayland.
Greer.	Yett.
Lewis.	

Nays—6.

Darwin.	Kerr.
Goss.	Linn of Victoria.
Harrison.	Terrell.

Yea.	Paired.	Nay.
Woods.	Morriss.	

Absent.

Beall.	Neal.
Boren.	Stone.
Dibrell.	Turney.
Linn of Wharton.	Yantis.

Senator Yett moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be put upon its third reading and final passage.

Lost by the following vote:

Yeas—18.

Atlee.	Rogers.
Bailey.	Ross.
Bowser.	Stafford.
Burns.	Terrell.
Colquitt.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Lewis.	Woods.
Presler.	Yett.

Nays—5.

Darwin.	Kerr.
Goss.	Linn of Victoria.
Harrison.	

Absent.

Beall.	Morriss.
Boren.	Neal.
Dibrell.	Stone.
Linn of Wharton.	Yantis.

Senator Colquitt entered a motion to reconsider the vote by which

Senate bill No. 110, a bill to be entitled "An act to amend article 4221 (3992) and article 4227 (3999), of the

Revised Civil Statutes of the State of Texas,"

Was ordered engrossed on yesterday.

Senator Colquitt then entered a motion to reconsider the vote by which the following amendment to the above bill was adopted:

By Senator Stafford:

"Amend by inserting in line 15, page 2, the following, "or if from any other cause such printing costs more in the State than it would outside the State."

On motion of Senator Presler, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 286, a bill to be entitled "An act to provide for the redistricting of Menard and Montague counties into public free school districts."

Bill read second time, with committee amendments.

Committee amendments adopted.

(Lieutenant Governor Jester in the chair.)

Bill ordered engrossed.

On motion of Senator Presler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Linn of Victoria.
Bailey.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.

Nays—none.

Absent.

Beall.	Morriss.
Boren.	Neal.
Darwin.	Stone.
Dibrell.	Yantis.
Linn of Wharton.	

Bill read third time, and passed by the following vote:

Yeas—22.

Atlee.	Greer.
Bailey.	Harrison.
Bowser.	Kerr.
Burns.	Lewis.
Colquitt.	Linn of Victoria.
Goss.	Presler.
Gough.	Rogers.

Ross.	Turney.
Stafford.	Wayland.
Terrell.	Woods.
Tillett.	Yett.

Nays—none.

Absent.

Beall.	Morriss.
Boren.	Neal.
Darwin.	Stone.
Dibrell.	Yantis.
Linn of Wharton.	

On motion of Senator Kerr, the Senate adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	Presler.
Bailey.	Rogers.
Bowser.	Ross.
Burns.	Terrell.
Colquitt.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Linn of Victoria.	Yett.
Morriss.	

Absent.

Beall.	Lewis.
Boren.	Linn of Wharton.
Darwin.	Neal.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Tillett.
Greer.	Yantis.

Senator Bailey moved a call of the Senate for the purpose of securing and maintaining a quorum, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Presler.
Bowser.	Rogers.
Colquitt.	Ross.
Gough.	Terrell.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.

Absent.

Beall.	Linn of Wharton.
Boren.	Neal.
Burns.	Stafford.
Darwin.	Stone.
Dibrell.	Tillett.
Goss.	Yantis.
Greer.	

Senators Burns, Greer, Tillett and Darwin were announced.

Quorum present.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House has appointed the following free conference committee on committee substitute House bill No. 203 (General appropriation bill): Messrs. Garrison, Wilcox, O'Connor, Turner and Moore of Lamar.

Also, that the House has appointed the following free conference committee on Senate bill No. 83 (the Wayland fee bill): Messrs. Carpenter, Dean, Boyd, Love and McKamy.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Tillett, the regular order of business was suspended, to take up on third reading,

Senate bill No. 80, a bill to be entitled "An act defining citations in district, county and justice courts, providing for what they shall contain, how issued, and how and by whom served and returned, and providing the manner of issuance of certain notices, and providing for the manner of their service and return, and repealing all laws and parts of laws in conflict therewith."

Bill read third time, and passed by the following vote:

Yeas—20.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Terrell.
Darwin.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.

Nays—1.

Gough.

Absent.

Beall.	Neal.
Boren.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Linn of Wharton.	Yantis.

On motion of Senator Woods, the regular order of business was suspended to take up on second reading,

Senate bill No. 49, a bill to be entitled "An act to amend title 3, chapter 1, of the Criminal Code of the State of Texas, by adding articles 79, 80, 81, 82, 83, 84, 85, 86 and 87, and repealing chapters 2, 3 and 4 of said title, to make accomplices and accessories principal offenders."

Bill read second time.

By Senator Woods:

Amend by striking out all after the word "act," line 6 of printed bill, and insert in lieu thereof the following:

"To abolish all distinction between principals and accomplices in crime, to further define who are the principal offenders, to amend chapter 1, title III, of the Penal Code, by adding thereto two articles, to be known as articles 79 and 80, and to repeal articles 79, 80, 81, 82, 83, 84 and 85, of chapter 2, of title III, of the Penal Code.

"Be it enacted by the Legislature of the State of Texas: Section 1. That chapter 1, title III, of the Penal Code, be amended by adding thereto two new articles, to be known as articles 79 and 80, as follows:

Art. 79. Or whom, though not present at the commission of an offense, but before the act is done advises, commands or encourages another to commit the offense, though he may not have given such aid, or who promises any reward or other inducement, or threatens any injury in order to procure the commission of an offense, or who prepares arms, or aid of any kind, prior to the commission of an offense, for the purpose of assisting another in the execution of the same, is a principal, and may be prosecuted and convicted as such.

"Art 80. If in the attempt to commit one offense, the perpetrator shall by mistake or accident commit some other, under the circumstances set forth in articles 48, 49 and 50 of the Penal Code, those who advise and encourage the commission of the offense originally intended shall, if both offenses are felonies by law, receive the punishment fixed to the lower of the two offenses; but if the offense be a misdemeanor, he shall receive the highest punishment fixed by law for the commission of such misdemeanor, whether the offense actually committed be a misdemeanor or a felony.

Sec. 2. No prosecution now pending, or which may be instituted before this act goes into effect, shall be affected by this act; nor shall this act apply to any offense committed prior to the passage hereof.

Sec. 3. Articles 79, 80, 81, 82, 83, 84 and 85, of chapter 2, of the Penal Code, are hereby repealed.

Sec. 4. The near approach of the close of the session, the crowded condition of the calendars of each House, and the importance of this act to the people of Texas, create an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and this bill be put upon its third reading and final passage, and it is so enacted."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Turney, the regular order of business was suspended to take up on third reading,

Senate bill No. 122, a bill to be entitled "An act to amend article 1205, Revised Statutes, relating to parties to suits."

Bill read third time, and passed.

On motion of Senator Burns, the regular order of business was suspended to take up, on its third reading,

Senate bill No. 321, entitled "An act to exempt ex-soldiers from the payment of occupation tax as peddlers."

By Senator Burns:

Amendment: Strike out section 3, and insert in lieu thereof the following:

"Sec. 3. The near approach of the close of the present session of the Legislature, and the large number of bills now upon the calendars of each house, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted."

Adopted.

Bill as amended passed by the following vote:

Ayeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Bowser.	Rogers.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yett.
Lewis.	

Nays—none.

Absent.

Beall.	Goss.
Boren.	Linn of Wharton.
Dibrell.	Neal.

Presler.
Ross.

Stone.
Yantis.

Senator Rogers called up Senator Colquitt's motion to reconsider the vote by which

Senate bill No. 110, a bill to be entitled "An act to amend article 4221 (3992) and article 4227 (3999) of the Revised Statutes of the State of Texas,"

Was ordered engrossed on yesterday.

Reconsidered.

Senator Rogers then called up Senator Colquitt's motion to reconsider the vote by which the following amendment was adopted:

By Senator Stafford:

Amend by inserting in line 15, page 2, the following, "or if from any other cause such printing costs more in the State than it would outside the State."

Reconsidered by the following vote:

Yeas—12.

Bowser.	Linn of Victoria.
Burns.	Morriss.
Colquitt.	Rogers.
Harrison.	Ross.
Kerr.	Woods.
Lewis.	Yett.

Nays—9.

Bailey.	Terrell.
Darwin.	Tillett.
Greer.	Turney.
Neal.	Wayland.
Stafford.	

Absent.

Atlee.	Gough.
Beall.	Linn of Wharton.
Boren.	Presler.
Dibrell.	Stone.
Goss.	Yantis.

The amendment (Stafford's) was then lost.

Bill ordered engrossed by the following vote:

Yeas—16.

Atlee.	Linn of Victoria.
Bowser.	Morriss.
Burns.	Neal.
Colquitt.	Rogers.
Greer.	Ross.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.

Nays—5.

Bailey.	Tillett.
Stafford.	Turney.
Terrell.	

Darwin. Present, not voting.

Absent.

Beall.
Boren.
Dibrell.
Goss.
Gough.

Linn of Wharton.
Presler.
Stone.
Yantis.

Senator Rogers moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be put upon its third reading and final passage.

Lost by the following vote:

Yeas—16.

Atlee.	Lewis.
Bowser.	Linn of Victoria.
Burns.	Morriss.
Colquitt.	Neal.
Goss.	Rogers.
Greer.	Ross.
Harrison.	Woods.
Kerr.	Yett.

Nays—5.

Darwin.	Tillett.
Stafford.	Turney.
Terrell.	

Absent.

Bailey.	Linn of Wharton.
Beall.	Presler.
Boren.	Stone.
Dibrell.	Wayland.
Gough.	Yantis.

On motion of Senator Goss, the regular order of business was suspended to take up on third reading,

Senate bill No. 163, a bill to be entitled "An act to amend articles 3984, 3985 and 4028, of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act, and repealing articles 3986 and 3987 and all laws in conflict with this act."

Bill read third time.

By Senator Goss:

Amend caption by adding after the number "1895" the words, "relating to the expenditure of school funds for building school houses and other purposes."

Adopted.

(Senator Yett in the chair.)

Bill as amended passed by the following vote:

Yeas—16.

Bailey.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Kerr.	Woods.
Neal.	Yett.

Nays—5.

Darwin. Linn of Wharton.
Harrison. Morriss.
Linn of Victoria.

Present, not voting.

Lewis.

Absent.

Atlee. Presler.
Beall. Stone.
Boren. Wayland.
Dibrell. Yantis.
Gough.

Senator Bowser moved that the regular order of business be suspended to take up

Senate bill No. 295, entitled "An act requiring foreign life insurance companies doing business in this State to invest a portion of its funds derived from business in this State in Texas securities, and providing penalties for a violation of its provisions."

Lost by the following vote:

Yeas—16.

Bowser. Neal.
Burns. Presler.
Colquitt. Stone.
Goss. Terrell.
Greer. Tillett.
Harrison. Turney.
Kerr. Wayland.
Morriss. Woods.

Nays—7.

Atlee. Ross.
Bailey. Stafford.
Lewis. Yett.
Rogers.

Absent.

Beall. Gough.
Boren. Linn of Victoria.
Darwin. Linn of Wharton.
Dibrell. Yantis.

The Chair announced the appointment of the following free conference committees:

Free conference committee on House bill No. 539, deficiency appropriation bill: Senators Linn of Victoria, Bowser, Burns, Yett, Harrison.

Free conference committee on Senate bill No. 83, Wayland fee bill: Senators Wayland, Woods, Terrell, Kerr, Greer.

Free conference committee on House bill No. 203, general appropriation bill: Senators Stone, Turney, Morriss, Colquitt, Goss.

On motion of Senator Bailey, the Senate adjourned to 10 a. m. to-morrow by the following vote:

Yeas—16.

Atlee. Neal.
Bailey. Rogers.
Burns. Ross.
Darwin. Stafford.
Greer. Tillett.
Kerr. Turney.
Lewis. Wayland.
Linn of Victoria. Yett.

Nays—7.

Bowser. Presler.
Colquitt. Terrell.
Harrison. Woods.
Morriss.

Present, not voting.

Linn of Wharton.

Absent.

Beall. Gough.
Boren. Stone.
Dibrell. Yantis.
Goss.

EIGHTY-EIGHTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, May 5.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee. Morriss.
Bailey. Neal.
Beall. Presler.
Bowser. Rogers.
Burns. Ross.
Colquitt. Stafford.
Darwin. Stone.
Goss. Terrell.
Gough. Tillett.
Greer. Turney.
Harrison. Wayland.
Kerr. Woods.
Linn of Victoria. Yett.

Absent.

Boren. Linn of Wharton.
Dibrell. Yantis.
Lewis.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We know not what awaits us, for Thou hast kindly veiled our eyes, but we are sure each onward step some new scene will before us rise, and that every joy from Thy hand will be a glad surprise. Oh, God, 'tis blessed not to know when Thou wilt hold us with Thine own hand and will